

From: [hlmatty@aol.com](mailto:hlmatty@aol.com) [<mailto:hlmatty@aol.com>]

Sent: Tuesday, October 27, 2009 3:47 PM

To: Quinn, Jonathan S.; Moynihan, John W.; AMathews@ReedSmith

Subject: Missing Documents

Gentlemen:

As I discussed with John M at the hearing last week, there are a number of documents that we have requested and still have not received. Specifically, we wish to see the following:

1. The alleged LaSalle loan spreadsheet is not a complete history of the LaSalle loan – on the contrary, Fellows testified that the spreadsheets are only on portions of the loan (two are on LIBOR portions and the last is on a principal portion). However, I do not see a complete document showing the daily totals and want one if you or the Bank has it. **Utilizing the general ledgers, we will produce month-end loan balances for the entire period. To the extent that you seek additional information, as we told Judge Holderman more than a month ago (and as John M. reminded you last week), we do not object to a limited subpoena to the bank seeking the information that we were unable to obtain by way of the summaries.**
2. Since BCS' profitability (or lack thereof) is an issue, and the information is sketchy at best regarding salaries (and who paid them since Ms. Fellows thinks that in some years she got checks from the SRO entity), we would like documents reflecting the salaries of Jan Meyers, Ms. Fellows, and Delores Fitek for the 2002-2007 years and any documents showing who the payor was. I would accept a schedule from the accountants saying that the payroll figures from Y Corp are "x" and they cover the following people (X, Y & Z) so that I do not need to know the exact salary of each. **That request has not been previously made and the time has past for making additional document requests. Furthermore, the documents requested are not relevant and we will not produce them.**
3. We want all documents, including checks, of any and all investments and/or loans by Jocelyn Stoller in or to either Fair Deal of Illinois and/or Von Steuben, Importers, Inc. **They are not relevant and the request is untimely in any event.**
4. You still have not given to us the audited financial statement of BCS for the year ending 12/31/02 and 2001. **we have produced the year-end 2002 financial statement. The one for 2001 is not relevant.**
5. You still have not given to us the audited financial statements of Phoenix for the year 2002-2007. **We will talk to our clients.**
6. You also have not given us the appropriate schedules from Jocelyn's tax returns, specifically her Schedules C and E for the years 2002-2009. **they are not relevant**
7. In keeping with your duty to supplement, we also need to see the plaintiffs' tax returns for the years 2007-2008. **Not relevant**

Please let us know when we will have these document so that they will be available for the Rule 30(b)(6) depositions of the plaintiffs' representatives.

If you have questions or comments, please do not hesitate to call.

Harold Moskowitz  
55 West Monroe St., Suite 1100  
Chicago, IL 60603  
(312) 977-0223  
(312) 422-8001 fax

The information transmitted by this email may contain PRIVILEGED AND/OR CONFIDENTIAL INFORMATION and is intended only for the use of the addressee(s) named above. Any interception, review, retransmission, or other use of, or taking of any action upon this information by persons or entities other than the intended recipient is illegal. If you are not the email's intended recipient, or the employee or agent responsible for delivering it to him/her, and if you have received this email in error, please immediately notify us by return email and delete the communication from any computer or network system. Although this email and any attachments are believed to be free of any virus or defect that might negatively affect any computer system, it is your responsibility to ensure that it is virus free and no responsibility is accepted by the sender for any loss or damage if such a virus or defect exists.

\* \* \*